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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	FI FCFRONICALIN VILED
UNITED STATES :	ORDER
-against-	05 Cr. 1110 (AKH) 07 Cr. 555 (AKH)
PHILIP COLASUONNO :	
Defendant. :	
ALVIN K. HELLERSTEIN, U.S.D.J.:	

On October 27, 2009, I granted Mr. Colasuonno's request for reconsideration of my October 21, 2009, Order denying modification of his restitution payment schedule. In consideration of the financial information Mr. Colasuonno presented, I was prepared to modify, pursuant to 18 U.S.C. § 2664(f)(2) and (k), the fixed payments I ordered on December 12, 2008, and impose a new payment schedule requiring monthly payments of 15 percent of Mr. Colasuonno's net income. However, on October 27, 2009, Mr. Colasuonno appealed my Order denying modification. Mr. Colasuonno's appeal divests me of jurisdiction to reconsider that Order. See United States v. Katsougrakis, 715 F.2d 769, 776-77 (2d Cir. 1983) ("It is well settled that the filing of a timely and effective notice of appeal from a final judgment divests

the court of jurisdiction to amend or otherwise reconsider that judgment."

SO ORDERED.

Dated:

November 7, 2009 New York, New York

United States District Judge

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